

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(ECF)

JULIA R. COHEN,

: 05 Civ. 6780 (KMK) (JCF)

Plaintiff,

: O R D E R

- against -

THE CITY OF NEW YORK, a municipal
entity, NEW YORK CITY POLICE
OFFICERS STEVEN CHOINSKI, Shield
28673, and "JOHN DOES" and "SALLY:
ROWES," individually and in their
official capacities, JOSEPH
ESPOSITO, individually and in his
official capacity as Chief of the
New York City Police Department,
RAYMOND KELLY, individually and in
his capacity as New York City
Police Commissioner, BRUCE SMOLKA,
individually and in his official
capacity as an Assistant Chief in
the New York City Police Department:
and in Patrol Borough Manhattan
South,

Defendants.

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

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Defendants having moved to dismiss the complaint for failure of plaintiff to provide information requested in discovery, or, in the alternative, to dismiss plaintiff's claims based on physical and emotional injuries while compelling production of discovery responses relevant to her other claims, it is hereby ORDERED as follows:

1. Plaintiff has declined to produce her "couple's counseling" records or to provide them for in camera review for a determination of their relevance to her claims of mental and emotional distress. This issue has been fully litigated and

decided in the following related cases: MacNamara, 04 Civ. 1926 (Ruling dated Aug. 29, 2005); Hershey-Wilson, 05 Civ 7026 (Order dated Feb. 2, 2006); Jarick, 05 Civ. 7626 (Order dated May 16, 2006); Concepcion, 05 Civ. 8501 (Order dated Oct. 23, 2006); and Abdell, 05 Civ. 8453 (Order dated Nov. 16, 2006). Accordingly, plaintiff's claims based on mental and emotional injury are dismissed.

2. Plaintiff has represented that she will produce the information sought by defendants in connection with the balance of her claims. Defendants' request for an order compelling production is therefore denied without prejudice to renewal in the event some further dispute arises.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
November 17, 2006

Copies mailed this date:

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